IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4406 OF 2003

Bharti Sahakari Bank Ltd, .. Petitioner
Vs
Shri Ganpati Vithoba Mhetre and ors. Respondents
Dr V.K.Choudhari, for the petitioner.
Ms Leena Patil, for respondent no.1.

CORAM : D.B.BHOSALE,J.

DATE : FEBRUARY 16, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. By this writ petition, the petitioner has impugned the order dated 10.7.2002 passed by the Divisional Joint Registrar allowing respondent no.1 to sell the bricks which were attached by the petitioner-Bank and deposit the sale proceeds in the petitioner-Bank. I am informed that respondent no.1 has already sold the bricks. However,the petitioner-Bank has not accepted the sale proceeds so far in view of the interim order passed in this petition. In view of this, the learned counsel for the petitioner submits that the petitioner-Bank will be satisfied if they are allowed to proceed against respondent no.1 to recover the balance of the amount. Having considered the overall facts and circumstances of the case and the submissions advanced by learned

counsel for the parties, in my opinion, the following order will meet the ends of justice.

(i) Respondent no.1 is directed to deposit the sale proceeds with the petitioner-Bank within two weeks from today.

(ii) It is open for the petitioner-Bank to proceed further against respondent no.1 in accordance with law.

(iii) The writ petition is, accordingly, disposed of.

(D.B.BHOSALE, J.)

rrt/db-05/b-16205